

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Application of

KUWAIT PORTS AUTHORITY,

Petitioner for an Order Pursuant to
28 U.S.C. § 1782 to Conduct Discovery for
Use in a Foreign Proceeding
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Case No.: 20-mc-00046(ALC)

DECLARATION OF JACOB KAPLAN

Jacob Kaplan, declares under penalty of perjury pursuant to 29 U.S.C. § 1746, as follows:

1. I am a partner in the New York City office of Baker McKenzie LLP, an international law firm. I am licensed to practice law in New York, and am admitted to practice in this Court.

2. I represent the Kuwait Ports Authority (“**KPA**”), one of the limited partners in The Port Fund L.P. (the “**Port Fund**”). I submit this declaration in support of the *ex parte* application of KPA (the “**KPA Application**”) for an order pursuant to 28 U.S.C. § 1782, and in support of KPA’s consolidated opposition to the Port Fund’s consolidated motion to intervene and opposition to the KPA Application.

3. I am familiar with the information set forth in this declaration from either personal knowledge or on the basis of documents that I have prepared and/or reviewed.

4. Attached as **Exhibit 1** is a true and correct copy of email correspondence with in-house counsel for E*Trade related to the KPA Application.

5. Attached as **Exhibit 2** is a true and correct copy of an April 1, 2020 letter from Herbert Smith Freehills to Kathy Chin of Crowell & Moring LLP, counsel for the Port Fund, with its enclosures.

6. Attached as **Exhibit 3** is a true and correct copy of the article by Zachary Mider, Ben Elgin, & Joe Light, Kuwaiti Cash Fuels a Surge of Misleading U.S. Media Coverage, BLOOMBERG (Jan. 9, 2020), accessed at <https://www.bloomberg.com/news/articles/2020-01-09/kuwaiti-cash-fuels-a-surge-ofmisleading-u-s-media-coverage>, on June 19, 2020.

7. On May 19, 2020, the Court entered an order [ECF 17] approving the substitution of counsel for KPA.

8. Attached as **Exhibit 4** is a revised draft subpoena *duces tecum* to Citibank N.A.

9. Attached as **Exhibit 5** is a revised draft subpoena *duces tecum* to E*Trade Financial Corporation.

10. Attached as **Exhibit 6** is a revised proposed order granting the KPA Application.

I declare under penalty of perjury under the laws of the United States of America pursuant to 29 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 3, 2020 in New York, New York.



Jacob Kaplan